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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,841	12/14/2000	Donald F. Gordon	19880003900	9495

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EXAMINER

JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/737,841

Applicant(s)

GORDON ET AL.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-18 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-18 and 21-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Response to Amendment**

1. This communication is in response to amendment filed July 8, 2004. By the amendment, no claims have been added nor deleted. Claims are pending in the application. Claims 1-13, 16-18, 21-24 are pending in the application

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-13, 16-18, and 21-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-13, 16-18, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Hendricks et al (U.S. Patent No. 6,539,548) in view of Alonso et al (U.S. Patent No. 6,184,878) and further in view of Eyer et al (U.S. Patent No. 6,160,545).

As per claims 1, 6, 7, 8-9, Hendricks et al discloses an operations center for a television program packaging and delivery system comprising:

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receiving via a back channel, subscriber selections associated with at least one IPG page (col. 6, lines 36-45; col. 9, lines 55-59);

determining, at said service provider equipment, trend data "demographic information" associated with at least one subscriber, said trend data representative repeated subscriber selections occurring at said subscriber equipment (a database for collecting demographic information about the subscriber) (col. 14, lines 34-38).

Providing programming to the subscriber based on the trend data "demographic data" to said at least one subscriber (i.e. deliver the program to the subscriber's set-top-terminal) (col. 18, lines 37-50).

Hendricks et al does not disclose a back channel and a forward distribution channel, and the providing video-on-demand (VOD) to subscribers. Alonso et al in the same field of endeavor, disclose an interactive information distribution system comprising a back channel, forward distribution channel and the provision of video-on-demand (VOD) to subscribers (col. 4, lines 8-67). Thus, it would have been obvious to a person of ordinary skill in the art to modify the disclosures of Hendricks et al to include the back channel and provision of video-on-demand to subscribers as evidenced by Alonso et al. In so doing, would allow that a subscriber to receive requested programming information and also transmits subscriber's requested information.

Furthermore, the combination of Hendricks et al and Alonso et al fails to explicitly disclose adapting at least one page in response to said determined trend data. Eyer et al in the same field of endeavor, discloses the concept of deleting IPG data (col. 10, lines 52-62). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to have modified the disclosures of

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Hendricks et al and Alonso et al to incorporate the teachings of Eyer et al with the motivation to remove irrelevant data, thereby minimizing decoding cost.

As per claim 2, Hendricks et al further disclose stamping each event with a time of occurrence for the event (col. 29 lines 53 through col. 30 line 10).

As per claim 3, the combination of Hendricks et al, Alonso et al and Eyer et al discloses the limitations of claim 3 in the rejection of claim 1. In addition, Hendricks et al discloses associating each event with a source where the event occurred (col. 24, lines 11-23).

As per claim 4, Hendricks et al further disclose wherein the collected trend data is reported periodically (i.e. sending demographics of viewers during certain time period) (col. 23, lines 12-21).

As per claim 5, Hendricks et al further disclose the trend data/demographics is reported upon receiving a request for the trend data ) (i.e. the communication server sending requested viewer's data) (col. 27, lines 52-57).

As per claim 11, Hendricks et al further disclose wherein the user inputs include a selection for a particular program provided to the terminal (col. 7, lines 38-60).

As per claim 12, Hendricks et al further disclose wherein the user inputs include a request for a particular program to be provided to the terminal (the subscriber utilizing an iconic button to make a program selection) (col. 7, lines 43-55).

As per claim 13, Hendricks et al further disclose the user navigation through a user interface (col. 6, lines 32-35) (the subscriber can navigate through a series of informative program selection menus) (col. 12, lines 62-65).

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As per claim 16, Hendricks et al further disclose determining statistical information for the received trend data (i.e. accumulating trend data from the set-top-terminal for statistical purposes) (col. 11, lines 3-7).

As per claims 17 and 18, Hendricks et al further disclose polling the plurality of terminals for the trend data, wherein the terminals are randomly selected for polling (col. 10, lines 33-40).

As per claim 21, Hendricks et al further disclose wherein each received user input corresponds to an event at the terminal, and wherein the trend data includes a plurality of events collected at the plurality of terminals (col. 29 line 53 through col. 30 line 26).

As per claim 22, Hendricks et al further disclose wherein the analyzing includes categorizing the events into time of day at which the events occurred (col. 29 line 53 through col. 30 line 26).

As per claim 23, Hendricks et al further disclose wherein the analyzing includes categorizing the events into day of week in which the events occurred (col. 29 line 53 through col. 30 line 26).

As per claim 24, Hendricks et al further disclose geographical region of the subscriber's set-top-terminal. It would have been obvious to a person of ordinary skill in the art to include categorizing a plurality of events in the geographical regions of Hendricks. In so doing, a viewer purchasing trends, and regional interests can be tracked. Note col. 17, lines 8-11; col. 21, lines 40-46 of Hendricks et al.

**Remarks**

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5. Applicant asserted that Hendricks does not teach the claimed invention.

Applicant further supported his assertion by arguing that nowhere in Hendricks is there any teaching or suggestion which describes polling a plurality of terminals for trend data.

In response, the examiner respectfully disagrees with applicant's argument because Hendricks does disclose wherein the subscriber's terminals are polling authorized channels that are accessed by the subscriber. Since the polling is performed based channel access by the subscriber, it infers that the terminals are polled based on the subscriber's interaction (trend data". Thus Hendricks et al does teach applicant's claimed trend data; and adapting at least one IPG is taught by Eyer et al. Note rejection of claim 1 in paragraph 4 above.

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. LaJoie et al (U.S. Patent No. 6772433) disclose providing a variety of television services including interactive program guides.

b. Hendricks et al (U.S. Patent No. 6,738,978) discloses a method for delivering television programs to subscriber's set top terminal and collecting data "trend data" from the user's set top terminal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm. If

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attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
or faxed to: (703) 305-7687

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington VA, Seventh floor receptionist.

RJ

October 28, 2004.

  
**ROMAIN JEANTY**  
**PRIMARY EXAMINER**  
*Art Unit 3623*